IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7521 OF 2005

Sameer Shabuddin Shaikh .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Bhavesh Parmar for applicant
Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 5th December 2005.

P.C.

. This is a bail application by accused No.1 who has been arrayed as accused vide C.R.No.62 of 2005 registered with Pimpri Police station for offences under section 143, 147, 148, 302, 324 and 427 of I.P.C.

2. I have perused statement of informant together with copy of F.I.R. with the assistance

of Mr.Parmar. In the said statement the informant has clearly stated that he was known to the deceased. Deceased was assaulted by certain persons with weapons such as hockey sticks and wooden stumps. As far as present aplicant is concerned, it has been specifically alleged that one of the persons who was present at the scene of offence handed over to the applicant herein a stump with which the applicant assaulted and beat the deceased. Only because others are also named, it does not mean that present applicant is entitled to be enlarged on bail. As far as present applicant is concerned, he has been specifically named in the above act.

3. Ground of parity urged before me is also devoid of merit. As far as enlargement on bail of another accused, this Court in one bail application (Pundalik @ Pintya Lagade) has specifically observed that he is 20 years of age, bonafide student and his case was found to be on

par with other accused who was not specifically named. That applicant was present at the scene of crime. It is also alleged that there is a weapon which was carried by him. However, as far as the present applicant is concerned, it is allleged that he assaulted deceased with wooden stump. Offences alleged are very serious in nature. Gravity of the crime and the punishment that is to be imposed for the same in law is sufficient enough not to enlarge applicant herein on bail. The submission that applicant is suffering from T.B. and, therefore, requires medical treatment and that he has no antecedents have to be stated only to be rejected. Applicant can always be given necessary medical treatment and it is not the grievance of Mr.Parmar that it is not being so administered. Application dismissed. All observations are prima facie and shall not in any manner influence the court at the trial.

(S.C.DHARMADHIKARI, J)